



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

J. K. Lowman, Ward 2, Vice Chairman

James A. Mills, Ward 3, Chairman

Susan Grant, Ward 1

G. Marshall Dye, Ward 4

Steven A. Carson, Ward 5

William "Bill" J. Martin, Ward 6

Neil Bishop, Ward 7

Monday, June 27, 2011

6:00 PM

City Hall Council Chambers

Present: Neil Bishop, G. Marshall Dye, Steven A. Carson, James A. Mills, Susan Grant, William "Bill" J. Martin

Absent: J. K. Lowman

Staff:

Brian Binzer, Development Services Director

Patsy Bryan, Secretary to the Board

Kyethea Clark, Urban Planner

Daniel White, City Attorney

CALL TO ORDER:

Chairman Mills called the June 27, 2011 Board of Zoning Appeals meeting to order at 6:00 p.m.

MINUTES:

20110561 May 23, 2011 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the May 23, 2011 Board of Zoning Appeals Meeting Minutes

Mr. Dye made motion to approve the May 23, 2011 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Bishop. Motion carried 6 – 0.

This matter was Approved and Finalized

Absent: 1 – Board member Lowman

VARIANCES:

20110555 **V2011-20 Scarlett Malpass Tassone 145 Charles Avenue**

V2011-20 [VARIANCE] SCARLETT MALPASS TASSONE request a variance for property located in Land Lot 12400, District 16, Parcel 0580 and being known as 145 Charles Avenue. Variance to allow the finished side of a fence to face the interior. Ward 7.

File #20110555 (V2011-20) was presented by Kyethea Clark for property located in Land Lot 12400, District 16, Parcel 0580 and being known as 145 Charles Avenue.

The applicant, Scarlett Malpass Tassone, is requesting a variance to allow the finished side of a fence to face the interior.

Ms. Tassone explained that the rear portion of her property comes to a point and all 3 of her neighbors have a chain link fence and one neighbor has a privacy fence also with the finished side facing in. The portion of the fence that faces the street was installed with the finished side facing outward. The fence belonging to the neighbor to the north acts as a retaining wall.

Ms. Tassone stated that the neighbors are not opposed to her request.

Mr. Bishop made a motion to allow the finished side of the fence to face the interior, seconded by Mr. Carson. The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 6 – 0.

A motion was made by Board member Neil Bishop, seconded by Board member Steven A. Carson, that this matter be Approved and Finalized . The motion carried by the following vote: 6 – 0

Absent: 1 – Board member Lowman

20110556**V2011-21 Sara Group, Inc. 1256 Cobb Parkway North**

V2011-21 [VARIANCE] SARA GROUP, INC. request a variance for property located in Land Lot 09320, District 16, Parcel 0090 and being known as 1256 Cobb Parkway North.

Variance to allow vehicular parking on adjacent off-street property. Ward 4.

File #20110556 (V2011-21) was presented by Kyethea Clark for property located in Land Lot 09320, District 16, Parcel 0090 and being known as 1256 Cobb Parkway North.

The applicant, Sara Group, is requesting a variance to allow vehicular parking on adjacent off-street property. Mr. Abdol A. Shahrokhifard, owner of Sara Group, Inc., located at 1256 Cobb Parkway North, is proposing on the adjacent property to realign a shared driveway, and additional parking to meet the parking requirements, once the building is renovated on the subject property. The shared driveway will provide better access to the McDonald's on Bells Ferry Road as well as provide overflow parking.

Dean Collins with TYLIN International explained that the variance will allow Mr. Shahrokhifard additional parking and an easier access route to McDonalds and eliminates additional curb cuts on Cobb Parkway. Dean Collins is representing the owner of the adjacent property located at 1258 Cobb Parkway North, where the additional parking and driveway realignment is proposed.

Mr. Dye made a motion, seconded by Mrs. Grant, to approve the variance with the stipulation that an agreement be in place within 90 days of the owners of the parking lot and with a stipulation that prior to approval of any site plans or permits for the site, the applicant must provide a permanent access agreement or other documentation that will secure access to the parking area. Both Mr. Shahrokhifard and Dean Collins agreed. Granting this application will not be detrimental or injurious to property improvements in the vicinity of the development site or to public health, safety, or general welfare. Motion carried 6 – 0.

A motion was made by Board member G. Marshall Dye, seconded by Board member Susan Grant, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0

Absent: 1 - Board member Lowman

20110557

V2011-22 Walter (Kee) & Karen Carlisle 379 Campbell Hill Street

V2011-22 [VARIANCE] WALTER (KEE) & KAREN CARLISLE request a variance for property located in Land Lot 11470, District 16, Parcel 0420 and being known as 379 Campbell Hill Street. Variance to reduce the required rear yard setback from 30 ft. to 13 ft. for an accessory structure; variance to reduce the required side yard setback along the northwest property line from 10 ft. to 3.5 ft. for an accessory structure; variance to reduce the required rear yard setback along the southwest property line from 10 ft. to 4 ft. for an accessory structure. Ward 4.

File #20110557 (V2011-22) was presented by Kyethea Clark for property located in Land Lot 11470, District 16, Parcel 0420 and being known as 379 Campbell Hill Street.

The applicants, Walter (Kee) and Karen Carlisle, are requesting a variance to reduce the required rear yard setback from 30 feet to 13 feet for an accessory structure; variance to reduce the required side yard setback along the northwest property line from 10 feet to 3.5 feet for an accessory structure; variance to reduce the required rear yard setback along the southwest property line from 10 feet to 4 feet for an accessory structure.

Kee Carlisle explained that the variance request is for an existing barn that was built around the mid-90's by the previous owner without a permit and never disclosed at closing or anytime before. Mr. Carlisle said there is no permit for the barn which does not meet the setbacks.

A complaint by a neighbor prompted the Code Enforcement Inspector to investigate and it was determined that a permit was needed in order to repair and reconstruct the barn and shed located behind the principal structure.

In conversation between Mr. Dye and Mr. Carlisle regarding the number of supportive emails, there is also the issue of the completion of the shed. Mr. Carlisle informed Mr. Dye that the completion of the barn is pending the outcome of the variance request. There is no need to complete the shed if it is not approved, therefore, needing to be torn down.

As explained by Mr. White, the permit process includes review by each of the departments, including zoning. Zoning looked at the plans and discovered that the barn was never permitted and that he had proposed to attach a shed to an unpermitted barn.

Once the variance is approved, Mr. Carlisle can resubmit his request for a permit.

Mr. Dye made a motion, seconded by Mr. Martin, to approve the variance, with the stipulation that the shed facing the street be completed within 1 year or the variance would expire. The rational being that granting the variance will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 6 – 0.

A motion was made by Board member G. Marshall Dye, seconded by Board member William "Bill" J. Martin, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0

Absent: 1 – Board member Lowman

20110558

V2011-23 Timothy Barnett (Steve Rayman, LLC) 2155 Cobb Parkway

V2011-23 [VARIANCE] TIMOTHY BARNETT (STEVE RAYMAN, LLC) request a variance for property located in Land Lot 08050, District 17, Parcel 0090 and being known as 2155 Cobb Parkway. Variance to reduce the front setback for a temporary trailer from 40' to 10'; variance to exceed the maximum annual allowance (60 days) for temporary signage; variance to allow more than one temporary sign on a lot at a time; variance to allow a wall face contain more than 15% of temporary signage; and variance to allow temporary signs on a building face that does not about a public street. Ward 1.

File #20110558 (V2011-23) was presented by Kyethea Clark for property located in Land Lot 08050, District 17, Parcel 0090 and being known as 2155 Cobb Parkway.

The applicant, Timothy Barnett representing Steve Rayman, LLC, is requesting a variance to reduce the front setback for a temporary trailer from 40 feet to 10 feet; variance to exceed the maximum annual allowance (60) days for temporary signage; variance to allow more than one temporary sign on a lot at a time; variance to allow a wall face contain more than 15% of temporary signage; and a variance to allow temporary signs on a building face that does not about a public street.

Timothy Barnett, General Manger at Steve Rayman Chevrolet, introduced Mr. Rayman. As explained by Mr. Barnett, the property is under renovations and these variances will inform the public that they are open during renovations.

Conversation between Mr. Martin and Mr. Barnett confirmed that the trailer is not in the right-of-way and will not affect the utilities.

Mrs. Grant made motion, seconded by Mr. Carson, to approve variance #1: approval of the reduction in the setback for the sales trailer from 40 feet to 10 feet; approve variance #2: approval of the variance that would allow the temporary signage to remain with the stipulation that after one month after the final Certificate of Occupancy (CO) is obtained all variances will expire (this applies to all variances); approve variance #4: approval of the variance that will allow temporary signage to cover twenty-five percent (25%) of the side of the building. The rational being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Mr. White clarified Mrs. Grant's motion regarding the stipulation on item #2 that all variances will expire and that it applies to all 3 variances to expire one (1) month after the final CO. Motion carried 6 – 0.

Mrs. Grant made a motion, seconded by Mr. Carson, to deny variance #3: variance to allow more than one temporary sign on a lot at a time and also denial of variance #5: variance to allow a temporary sign on a building face that does not abut a public street. Motion carried 6 – 0.

Discussion continued between Board members, Mr. Barnett, Mr. Rayman regarding signage.

Mr. Barnett and Mr. Rayman were advised that they are allowed a free-standing, 50 square foot sign during construction which does not require a variance and is exempt from the sign permit process.

After discussion with the other Board members, Mrs. Grant let the motion stand.

A motion was made by Board member Susan Grant, seconded by Board member Steven A. Carson, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0

Absent: 1 – Board member Lowman

20110562

Board of Zoning Appeals - Rules of Procedure

Proposed approval of Board of Zoning Appeals Rules of Procedure by current board

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Tabled. The motion carried by the following vote: 6 – 0

Absent: 1 - Board member Lowman

ADJOURNMENT:

The June 27, 2011 Board of Zoning Appeals meeting adjourned at 7:00 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY